

**REMARKS****Summary of the Final Office Action**

The Abstract is objected to because it is allegedly a direct copy of claim 1.

Claims 1-3 and 6-10 are objected to as having insufficient antecedent basis.

Claims 1-3 and 6-12 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Li et al. (NPL document, Time-domain dielectric constant measurement of thin film in GHx-Thz frequency range near the Brewster angle) in view of US Patent No. 3,985,447 to Aspnes.

Claim 4 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Li et al. in view of Aspnes and US Patent No. 5,991,448 to Salamon et al.

**Summary of the Response to the Office Action**

In the Amendment under 37 C.F.R. § 1.116 filed May 29, 2009, Applicant amended the Abstract and claims 1-3 and 6-10 to overcome the objections. These amendments were entered according to the Advisory Action issued June 12, 2009. Claims 1 and 6 are currently amended. Claims 3 and 10 have been canceled.

**Objection to the Abstract**

The Abstract is objected to. Applicant amended the Abstract in the Amendment under 37 C.F.R. § 1.116 filed May 29, 2009 in light of the Examiner's comments set forth in Sections 2 and 3 of the Final Office Action. Accordingly, Applicant respectfully requests that the objection to the Abstract be withdrawn.

**Objection to Claims**

Claims 1-3 and 6-10 are objected to as having insufficient antecedent basis. Claims 1-3 and 6-10 were amended in the Amendment under 37 C.F.R. § 1.116 filed May 29, 2009 by accepting the Examiner's helpful suggestions. Accordingly, Applicant respectfully requests that the objection to claims 1-3 and 6-10 be withdrawn.

**All Claims Define Allowable Subject Matter**

Claims 1-3 and 6-12 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Li et al. in view of Aspnes, and claim 4 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Li et al. in view of Aspnes and Salamon et al. Applicant respectfully traverses the rejections for at least the following reasons.

With respect to independent claim 1, as amended, Applicant respectfully submits that Li et al. and Aspnes, whether taken individually or in combination, fail to teach or suggest a claimed combination including at least the features of "taking a ratio of a transmission spectrum or reflection spectrum through or upon a combination of the thin film and a substrate to a transmission spectrum or reflection spectrum through or upon the substrate only as a relative transmittance or relative reflectance, respectively; determining the relative transmittance or relative reflectance with respect to frequency over a range of frequencies; and determining a complex dielectric constant of the thin film sample based upon the relative transmittance or relative reflectance with respect to frequency over a range of frequencies." The Office Action does not rely upon Salamon et al. to remedy the deficiencies of Li et al. and Aspnes outlined above. Applicant notes that the Advisory Action alleges that claims 1 and 6 fail to disclose using

the spectrum in a particular way. Applicant has amended claims 1 and 6 to describe how the spectrums are used.

Accordingly, Applicant respectfully requests that the rejection of claim 1 be withdrawn. Further, Applicant submits that claims 2, 4, 5, 11, and 12 are allowable at least because of their respective dependencies from independent claim 1, as amended, which is allowable for the reasons set forth above. Applicant respectfully submits that independent claim 6, as amended, is allowable for reasons similar to those presented above with respect to independent claim 1, as amended. Finally, Applicant submits that claims 7-9 are allowable at least because of their respective dependencies form independent claim 6, as amended.

### CONCLUSION

In view of the foregoing remarks, Applicant respectfully requests reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite the prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under

37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted

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